IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WP(C).No. 34285 of 2006(F)

PETITIONERS:
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1. K.M.PAUL, MANNAPPILLIL HOUSE,
   PERUMBAVOOR.

2. GOVIND H.PATEL,
   AMBIKA NIVAS, PERUMBAVOOR.

3. SIMON A.S.,
   KADANADU P.O., PERUMBAVOOR.

4. PHILIPOSE VARGHESE,
   PLAMKUDIYIL HOUSE,
   THRIKKALATHOOR HOUSE,
   PERUMBAVOOR.

   BY ADV. SRI. BIMAL K.NATH
   ADV. SRI.S. JAMAL
   ADV. SRI.V.SREEVALSAN

RESPONDENTS:
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1. THE STATE OF KERALA,
   REP. BY THE SECRETARY,
   MINISTRY OF PUBLIC WORKS,
   THIRUVANANTHAPURAM.

2. SUPERINTENDING ENGINEER,
   PROJECT IMPLEMENTATION UNIT,
   KERALA PUBLIC WORKS DEPARTMENT(PWD),
   TC-42/304, MUTHOOTT CHAMBERS,
   THYCAUD, THIRUVANANTHAPURAM.

3. EXECUTIVE ENGINEER,
   KERALA STATE TRANSPORT PROJECT (KSTP),
   PWD DIVISION OFFICE, REST HOUSE COMPOUND,
   MUVATTUPUZHA, ERNAKULAM.

4. DISTRICT COLLECTOR,
   ERNAKULAM.

5. SPECIAL TAHSILDAR (LA),
   NH NO.2, ALWAYE.

6. OFFICER IN CHARGE,
   WORLD BANK, THIRUVANANTHAPURAM.

   BY GOVERNMENT PLEADER ADV. SHRI BENNY VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.T. SANKARAN, J.

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W.P.(C) No. 34285 OF 2006

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Dated this the 15th January, 2007

J U D G M E N T

The reliefs prayed for in this Writ Petition are the following:

> *"i) To issue a writ of mandamus or any other appropriate writ direction or order directing the respondents to strictly follow Exhibit P1 guidelines and fix the land value in accordance with the market value existing in the locality.*
>
> *ii) Issue a writ of mandamus or any other writ, order or direction directing the 4th respondent to convene district level Resettlement Committee & Public Grievance cell effectively and hear the opinion of the representatives regarding the fixation of the market value and fix actual compensation to the petitioners.*
>
> *iii) Issue a writ of mandamus or appropriate writ, order or direction, directing the 1st respondent to dispose of Exhibit P5 representation after affording an opportunity of personal hearing to the petitioners.*
>
> *iv) To grant such other order or direction or this Honourable Court deems fit and proper in the circumstances of the case.*

2. Lands belonging to the petitioners were acquired for the purpose of development of M.C. Road. The grievance of the petitioners is that

proper compensation has not been paid. It is also pointed out that there is a comprehensive rehabilitation policy as per Ext. P1 guidelines. It is stated in paragraph '8' of the statement of facts that pursuant to notice issued under section 4 of the Land Acquisition Act, petitioners submitted objections before the authority pointing out the violation of Ext.P1 guidelines. It is also stated that without properly considering the objections, award was passed. Award notice was issued to the petitioners Nos.1 to 3 under section 12(2) of the Land Acquisition Act, which is marked as Ext. P2. It is stated in the Writ Petition that the 4th respondent-District Collector constituted a Committee for settlement of issues pertaining to land acquisition as directed by the Government. Ext. P3 evidences constitution of such a Committee. It is further stated that after constituting the Committee, a meeting was convened on 07.08.2003 and that no fruitful discussions were made in that meeting of the Committee. In Exts. P4 and P5, the petitioners have voiced their grievances regarding failure to fix proper compensation.

3. Learned Government Pleader, on instruction, submitted that the award was passed on 15.03.2005. The grievance voiced in Exts. P4 and

P5 is only regarding land value. In those representations, no prayer is made for rehabilitation. After the award is passed, the Land Acquisition Officer is not entitled, as per law, to consider the contentions raised with regard to compensation awarded for the lands acquired and re-fix the land value and compensation. After passing the award, the Land Acquisition Officer cannot review the award and enhance the land value. The reliefs prayed for in this Writ Petition are therefore not maintainable.

Writ Petition lacks merit and it is accordingly dismissed.

K.T. SANKARAN,
JUDGE.

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